

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

MDL No. 2804  
Case No. 1:17-MD-2804  
THIS DOCUMENT RELATES Hon. Dan A. Polster  
TO ALL CASES

HIGHLY CONFIDENTIAL

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

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Video Deposition of

JENNIFER DIEBERT

JANUARY 24, 2019  
8:05 a.m.

Location:

Renaissance Toledo Downtown Hotel  
444 North Summit Street  
Toledo, Ohio

Todd L. Persson, Notary Public

**REDACTED**

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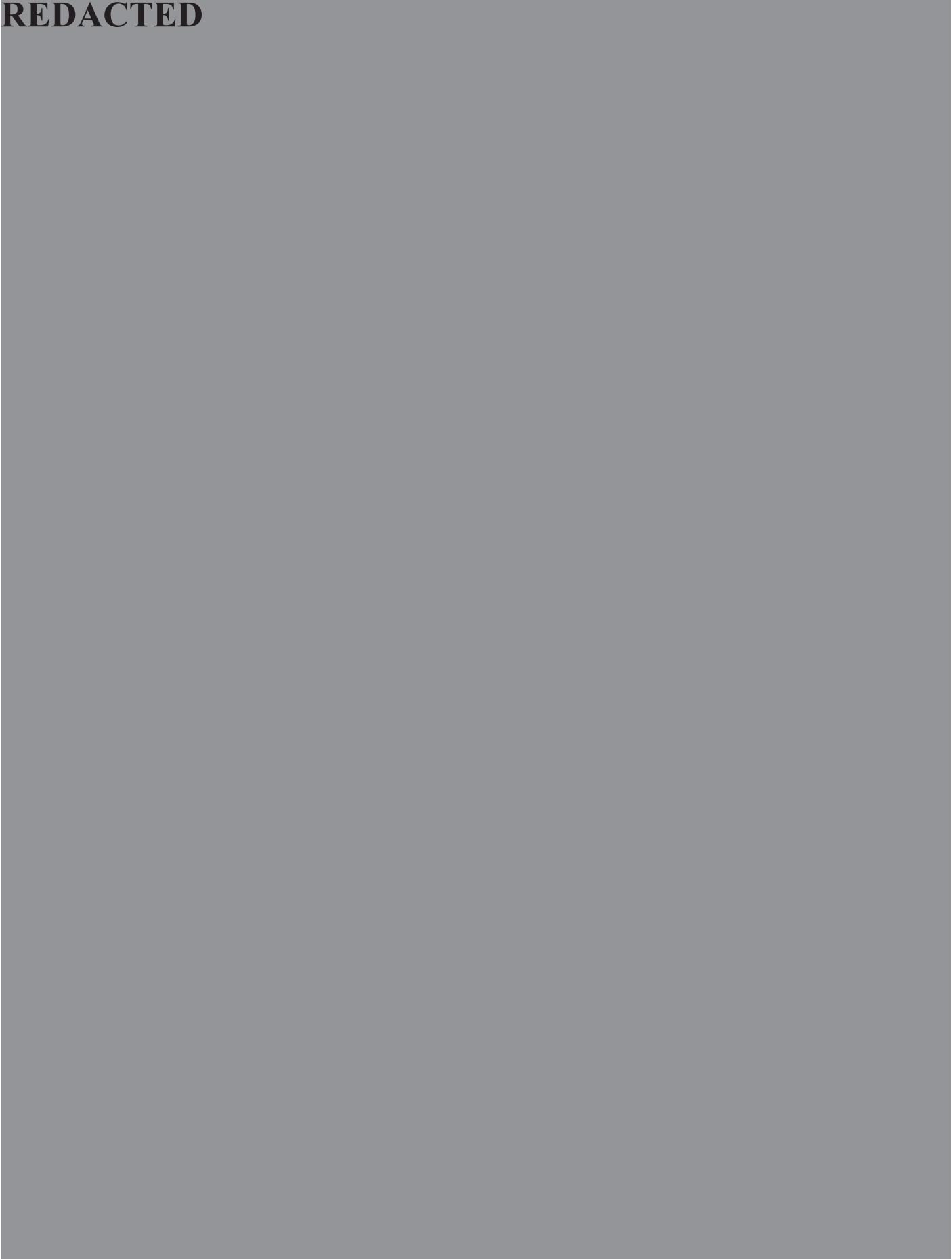
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1 identification.)

2 - - - -

3 Q. This is going to be P-WAG-233. Do you  
4 see this is an e-mail dated May 11, 2011?

5 A. I see that.

6 Q. And this is to Tammy Trumbull?

7 A. I see that.

8 Q. Do you know who that is?

9 A. Yes.

10 Q. Who is that?

11 A. That is now Tammy Hensley. She's our  
12 admin manager.13 Q. Okay. And we're going to spend the bulk  
14 of our time talking about the attachment to this  
15 e-mail. But you see here where what is written to  
16 Tammy is -- at the end there it says, "I'm  
17 attaching the policy I use for Rx questionable  
18 orders if that will help you." Do you see that?

19 A. I see that.

20 Q. Do you understand what policy is being  
21 referred to there?

22 A. Not until I see the policy.

23 Q. Okay. Well, let's look at it.

24 So on the next page, do you see at the  
25 top of the page this is a Walgreens document for

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1 A. That's correct.

2 Q. What is your role in processing the  
3 orders after the excessive query report that we  
4 talked about just a second ago?5 A. The reports are the last thing that we do  
6 before we process the orders.7 Q. So after you run any excessive query  
8 reports for, whether it's front end items, whether  
9 it's pharmacy items, whether it's C-III's or C-V's,  
10 the orders get processed, the label is printed for  
11 the pickers, and the pickers pick the items, bag  
12 the items, and send them to the trucks?

13 A. That's correct.

14 Q. We talked a little bit about the phrase  
15 "suspicious orders," and I think you told me you  
16 heard of it. But what about the phrase "orders of  
17 interest;" does that mean anything to you?

18 A. I have not heard that term before.

19 Q. I'll show you what I'll mark as Exhibit  
20 Number 10.

21 - - - -

22 (Thereupon, Deposition Exhibit  
23 Walgreens-Diebert 10, May 11, 2011  
24 E-mail WAGMDL00751821 - 00751823,  
25 was marked for purposes of

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1 the -- the subject of the document is the Rx  
2 questionable order of quantity?

3 A. I do see that.

4 Q. And now that you've looked at it, do you  
5 recognize what this policy is?

6 A. I do not recognize this policy.

7 Q. Okay. And it says that this particular  
8 policy originated in December of 2006; do you see  
9 that?

10 A. I see that.

11 Q. Okay. And what we're looking at here is  
12 a revised policy from April of 2010; do you see  
13 that?

14 A. I see that.

15 Q. Okay. And this was -- it says the  
16 department is SAIL?

17 A. Yes.

18 Q. And that would have been your department?

19 A. At the Mt. Vernon distribution center,  
20 yes. That was not our distribution center.21 Q. Okay. Do different distribution centers  
22 have different policies?23 A. They may have at the time. I couldn't  
24 tell you.

25 Q. And if you look at the first heading, it

<p>1 says "purpose." Do you see that?</p> <p>2 A. I see that.</p> <p>3 Q. It says, "to establish procedures for</p> <p>4 verifying questionable store order quantities on</p> <p>5 Rx items." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. And you've been telling me about some</p> <p>8 type of excessive order query that you would do on</p> <p>9 the C-III to Vs. Do you have an understanding of</p> <p>10 whether or not this is talking about that process?</p> <p>11 And if you want to read through it for a minute,</p> <p>12 feel free.</p> <p>13 MS. SWIFT: Take your time to read it if</p> <p>14 you need to.</p> <p>15 A. Okay. It seems similar to what we would</p> <p>16 have done.</p> <p>17 Q. Okay. This is generally describing the</p> <p>18 process that you've been telling us about as far</p> <p>19 as running the excessive order queries?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know that there's a written policy</p> <p>22 in place at Perrysburg that applied to the same</p> <p>23 process?</p> <p>24 A. I don't know that.</p> <p>25 Q. Okay. So it says, "the purpose to</p>	<p>Page 122</p> <p>1 Q. Okay. I think you've told me that you do</p> <p>2 this process not only for pharmacy items and</p> <p>3 controlled substances, but you also do this same</p> <p>4 process for front end of the store items, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. So you do the same process for the paper</p> <p>7 towels, the toilet paper, the bubble gum, all that</p> <p>8 stuff, too, as well?</p> <p>9 A. Yes.</p> <p>10 Q. It says for -- under the procedures, it</p> <p>11 says, "once transmissions have been" -- well,</p> <p>12 strike me. Let me ask you this real quick.</p> <p>13 What's the involvement of the computer</p> <p>14 room personnel in this process?</p> <p>15 A. It depends on which DC. Some</p> <p>16 distribution centers the computer room is solely</p> <p>17 responsible for checking orders and processing</p> <p>18 them. Some distributions centers the SAIL will</p> <p>19 check orders and the computer room will process</p> <p>20 them. At our distribution center, on Sundays the</p> <p>21 computer room is solely responsible for it, and</p> <p>22 then Monday through Thursday SAIL checks orders</p> <p>23 and then the computer room does the processing.</p> <p>24 Q. Okay. So you would be in charge of this</p> <p>25 Monday through Thursday?</p>
<p>Page 123</p> <p>1 establish procedures for verifying questionable</p> <p>2 store order quantities on Rx items." Do you see</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. When it says "Rx items," what does that</p> <p>6 mean to you in the context of the distribution</p> <p>7 center?</p> <p>8 A. Anything that needs a prescription.</p> <p>9 Q. So that would apply to diabetes</p> <p>10 medication, blood pressure medication, as well as</p> <p>11 controlled substances; is that fair?</p> <p>12 A. That's fair.</p> <p>13 Q. It says, "the scope of this procedure</p> <p>14 covers the steps in verifying questionable store</p> <p>15 order quantities prior to order processing on Rx</p> <p>16 items." And the procedure, it says, "the</p> <p>17 responsibilities of the computer room personnel</p> <p>18 and the SAIL team prior to order processing." Do</p> <p>19 you see that?</p> <p>20 A. I see that.</p> <p>21 Q. Okay. And is that consistent with what</p> <p>22 you've told me, that this is something you go</p> <p>23 through, and I think you said it's the last thing</p> <p>24 that you do before the order gets processed?</p> <p>25 A. It is similar, yes.</p>	<p>Page 125</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Does the computer room have any</p> <p>3 involvement whatsoever on Monday through Thursday?</p> <p>4 A. Not for our regular orders, no.</p> <p>5 Q. Okay. Do you actually run the query, or</p> <p>6 run the report that would give you a printout of</p> <p>7 anything that flagged?</p> <p>8 A. Yes.</p> <p>9 Q. All right. So in number 1, it says,</p> <p>10 "once transmissions have been received from the</p> <p>11 stores to its fullest, it tells you to run a query</p> <p>12 that would be printed for the next process cycle</p> <p>13 date to be reviewed." It says, "any Rx order</p> <p>14 greater than 24" -- can we just call that units?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. "Any Rx order greater than 24</p> <p>17 units of one item should print on a query and</p> <p>18 store numerical order along with SS items." Do</p> <p>19 you see that?</p> <p>20 A. Yes.</p> <p>21 Q. What is "SS items"?</p> <p>22 A. Self-serve or front of store,</p> <p>23 non-pharmacy items.</p> <p>24 Q. Gotcha. Okay. So self-serve, meaning</p> <p>25 the consider can grab it off the shelves</p>

<p>1 themselves?</p> <p>2 A. They can grab it themselves, correct.</p> <p>3 Q. Okay. So does that number -- I think</p> <p>4 earlier today I asked you what the limit was that</p> <p>5 would flag any pharmacy item, and I think you</p> <p>6 didn't remember. Does that 24 jog your memory?</p> <p>7 A. No. And it could have been different at</p> <p>8 the DCs. I don't know what Mt. Vernon would have</p> <p>9 done compared to Perrysburg.</p> <p>10 Q. And you don't remember what Perrysburg</p> <p>11 did?</p> <p>12 A. No, I don't.</p> <p>13 Q. Okay. But, anyway, the number generated</p> <p>14 across any prescription item, according to this</p> <p>15 policy, was the same?</p> <p>16 A. Yes.</p> <p>17 Q. Whether it's blood pressure medication,</p> <p>18 diabetes medication, or controlled substances?</p> <p>19 A. Yes. Depending on the query. Perrysburg</p> <p>20 ran a query for controlled substances, and we ran</p> <p>21 a separate query for non-pharmacy items. So in</p> <p>22 reading this, it sounds like they may have just</p> <p>23 run one query that would show everything over 24</p> <p>24 SKUs totally. We ran a separate query for</p> <p>25 controls versus non-pharmacy, and they would have</p>	<p>Page 126</p> <p>1 Q. Do you remember if it was the same or</p> <p>2 different for front end items and pharmacy</p> <p>3 items -- excuse me -- front end items and</p> <p>4 controlled items?</p> <p>5 A. Perrysburg versus Mt. Vernon?</p> <p>6 Q. No, no. Within Perrysburg, whether or</p> <p>7 not the trigger number was the same or different</p> <p>8 for controlled substances versus the pharmacy</p> <p>9 items and non-controlled?</p> <p>10 A. It was different.</p> <p>11 Q. Then it goes on to say in the second</p> <p>12 paragraph, it says, "the computer room or SAIL</p> <p>13 personnel working the query will review the</p> <p>14 listing. If there is a questionable quantity, the</p> <p>15 pharmacy is contacted at that store and the order</p> <p>16 is questioned." Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. It goes on to say, "if the order is</p> <p>19 incorrect, the original order for the item is</p> <p>20 deleted and rekeyed correctly." Do you see that?</p> <p>21 A. I do see that.</p> <p>22 Q. Is this accurately -- and I know this is</p> <p>23 a Mt. Vernon document -- but is this accurately</p> <p>24 describing what -- what your process was at</p> <p>25 Perrysburg?</p>
<p>Page 127</p> <p>1 been different thresholds.</p> <p>2 Q. Did you run different queries for</p> <p>3 controlled versus regular pharmacy?</p> <p>4 A. Regular pharmacy would have shown up on</p> <p>5 the regular report because they weren't controlled</p> <p>6 substances.</p> <p>7 Q. Okay. So you ran a query for front end</p> <p>8 plus regular pharmacy, and you ran a separate</p> <p>9 query for controlled?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And do you know if that was</p> <p>12 pursuant to any written policy?</p> <p>13 A. I don't know that.</p> <p>14 Q. How did you know to do that?</p> <p>15 A. Tammy Trumbull, Hensley, who is the admin</p> <p>16 manager now, was the SAIL coordinator when I took</p> <p>17 that position over, and that is how she trained</p> <p>18 me.</p> <p>19 Q. Okay. But, anyway, according to the</p> <p>20 policy, the report is run, and this one is 24</p> <p>21 units, correct?</p> <p>22 A. Yes. On this it is.</p> <p>23 Q. Okay. And you don't remember what it was</p> <p>24 for Perrysburg?</p> <p>25 A. No, I don't.</p>	<p>Page 129</p> <p>1 A. Not specifically. For controlled C-III</p> <p>2 through V, if we did have something that got</p> <p>3 flagged on the overage report, we would contact</p> <p>4 the store if it looked like it wasn't in line with</p> <p>5 their normal orders. And if it was a wrong order,</p> <p>6 we would either delete it or decrease it. But we</p> <p>7 wouldn't delete it and reenter an order.</p> <p>8 Q. Okay. So would it be fair to say that</p> <p>9 when you called the pharmacy, you were trying to</p> <p>10 determine whether or not the order had been</p> <p>11 entered in error?</p> <p>12 A. Yes.</p> <p>13 Q. So are you familiar with the phrase "fat</p> <p>14 finger report"?</p> <p>15 A. I'm familiar with fat fingering, but not</p> <p>16 a specific report.</p> <p>17 Q. Okay. Okay. So what you're looking for</p> <p>18 here is fat fingering errors?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So you're looking for places where</p> <p>21 somebody wanted one unit and asked for 100 units?</p> <p>22 A. Exactly.</p> <p>23 Q. Okay. And those are the type of</p> <p>24 situations that would flag on this report and that</p> <p>25 you would make a phone call to the pharmacy about?</p>

<p>1 A. That's correct.</p> <p>2 Q. Okay. Why is that something that was</p> <p>3 important to the distribution center?</p> <p>4 A. We want to make sure that we were sending</p> <p>5 the orders out the stores needed.</p> <p>6 Q. Okay. If you sent an excessive quantity</p> <p>7 that the store didn't need, would the store often</p> <p>8 have to return those items?</p> <p>9 A. We did not return items at the DC. I</p> <p>10 don't know what processes the stores would have</p> <p>11 used. They would have contacted their district</p> <p>12 office, and then asset protection for their</p> <p>13 geographical location would have been involved.</p> <p>14 But they would not have come back to the</p> <p>15 distribution center.</p> <p>16 Q. Okay. Well, some aspect of your job</p> <p>17 involved returns, right, or trying to lower</p> <p>18 returns?</p> <p>19 A. Not for Rx. Not for pharmacy items.</p> <p>20 Q. Okay. So front end items, if you shipped</p> <p>21 them too many rolls of toilet paper, would those</p> <p>22 get returned to the distribution center?</p> <p>23 A. There's criteria that the products have</p> <p>24 to meet before we would approve a return. But</p> <p>25 they would -- we do do that.</p>	<p>Page 130</p> <p>1 the pharmacy?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. You said that you would maybe look</p> <p>4 at the past ordering history for a store, but I</p> <p>5 would assume that a lot of times you can see the</p> <p>6 orders that come in on those fat finger reports</p> <p>7 and realize they're clearly in error?</p> <p>8 MS. SWIFT: Object to the form,</p> <p>9 characterization of the report.</p> <p>10 A. So it was very infrequent that we ever</p> <p>11 actually had to -- or had those items show up on</p> <p>12 the report. When they did, I don't recall ever</p> <p>13 actually having to call the store to see if it was</p> <p>14 correct or not. That's how infrequent it would</p> <p>15 have been. But, yes, we did check their order</p> <p>16 history to see if it was something that was</p> <p>17 regular and average for what the store goes</p> <p>18 through and orders.</p> <p>19 Q. Okay. Give me an example -- or give me</p> <p>20 an estimate of how often you would have a</p> <p>21 controlled drug flag on one of these reports.</p> <p>22 MS. SWIFT: Objection. Calls for</p> <p>23 speculation.</p> <p>24 A. Yeah, I have no idea.</p> <p>25 Q. Well, you said it happened very</p>
<p>Page 131</p> <p>1 Q. And that's something that you want to</p> <p>2 avoid; is that fair to say?</p> <p>3 A. Yes. Yes.</p> <p>4 Q. Okay. And why is it that you want to</p> <p>5 avoid those types of returns?</p> <p>6 A. Well, it doesn't suit the store or the</p> <p>7 customers or the distribution center or Walgreens</p> <p>8 in general to have excess stock sitting on the</p> <p>9 shelves that's not getting sold. If we send too</p> <p>10 much to one store, we could be shorting another</p> <p>11 store and missing sales on that.</p> <p>12 Q. Okay. So in addition to looking for</p> <p>13 these fat finger errors, is there anything else</p> <p>14 that you're looking for when you're reviewing this</p> <p>15 excessive order report?</p> <p>16 A. Not from a sales perspective, no.</p> <p>17 Q. At any time -- so let me make sure I</p> <p>18 understand your process.</p> <p>19 If you have an order that flags on the</p> <p>20 excessive order report, that, frankly, is a fat</p> <p>21 finger report; do you agree with that?</p> <p>22 A. Yes.</p> <p>23 MS. SWIFT: Object to the form.</p> <p>24 Q. And so if you have an order that flags on</p> <p>25 the fat finger report, you make a phone call to</p>	<p>Page 133</p> <p>1 infrequently. What do you mean by that?</p> <p>2 A. I mean, it happened -- I don't recall it</p> <p>3 ever actually happening. I don't recall ever</p> <p>4 contacting a store to say, you know, is your C-III</p> <p>5 through V item, whatever it was, you know, is that</p> <p>6 a valid order.</p> <p>7 Q. Do you recall a C-III through V item ever</p> <p>8 flagging on this excessive order, fat finger</p> <p>9 report?</p> <p>10 A. I'm --</p> <p>11 MS. SWIFT: Object to the</p> <p>12 characterization of the report.</p> <p>13 A. So I'm sure that it would have come up,</p> <p>14 but I don't recall it at all. It was a long time</p> <p>15 ago.</p> <p>16 Q. Okay. Was this -- this process of</p> <p>17 running this report and looking for these fat</p> <p>18 finger errors, was that always a part of your</p> <p>19 duties and responsibilities as a SAIL coordinator?</p> <p>20 MS. SWIFT: Object to the form of the</p> <p>21 question.</p> <p>22 A. It -- for the C-III through Vs while we</p> <p>23 distributed them and I was the SAIL coordinator,</p> <p>24 yes. And for the -- I'm sorry, go ahead.</p> <p>25 Q. No --</p>

<p>1 MS. SWIFT: Did you finish your answer?</p> <p>2 A. No. For non-pharmacy, we have always --</p> <p>3 as the SAIL coordinator, we've always run that</p> <p>4 report.</p> <p>5 Q. Okay. But for controlled drugs, you've</p> <p>6 run that all the way back to 2008, when you became</p> <p>7 the SAIL coordinator?</p> <p>8 A. If that is the -- I don't remember what</p> <p>9 dates we were distributing C-III through V. But</p> <p>10 during my time as SAIL coordinator while we were</p> <p>11 distributing, yes, we ran that report.</p> <p>12 Q. And tell me if I'm wrong, but I heard you</p> <p>13 tell me that you don't ever remember there being a</p> <p>14 C-III through V drug that flagged on that report?</p> <p>15 MS. SWIFT: Object to the form.</p> <p>16 A. I don't recall it happening.</p> <p>17 Q. Do you recall ever having to review a</p> <p>18 store's ordering history for Schedule III through</p> <p>19 V drugs to evaluate any of these orders that would</p> <p>20 have flagged on a report?</p> <p>21 A. I don't specifically remember reviewing</p> <p>22 C-III through V. But we regularly check that for</p> <p>23 all items that we process now and did then. But I</p> <p>24 don't remember if it was C-III through V. I don't</p> <p>25 have a specific recollection of that.</p>	<p>1 what to change the order to if the order was to be</p> <p>2 changed?</p> <p>3 A. Yes, we did.</p> <p>4 Q. You didn't contact anybody at -- in loss</p> <p>5 prevention or corporate or internal audit, or</p> <p>6 anything like that, and ask them for any</p> <p>7 instructions or directions on what to change the</p> <p>8 order to?</p> <p>9 MS. SWIFT: Object to the form of the</p> <p>10 question.</p> <p>11 A. No, we did not.</p> <p>12 Q. Whatever the store told you to do, that's</p> <p>13 what you inputted for that order?</p> <p>14 MS. SWIFT: Object to the form.</p> <p>15 A. Yes.</p> <p>16 Q. Would there ever be an occasion where the</p> <p>17 store would say, no, we want -- we want 50 units</p> <p>18 of bubble gum today, and you would say, well, no,</p> <p>19 we're only going to give you 10? Would that ever</p> <p>20 happen?</p> <p>21 A. It's possible. We would base it on what</p> <p>22 our current DC inventory was. We don't want to</p> <p>23 short other stores just to give a bulk of the</p> <p>24 product to one store. So it is possible that we</p> <p>25 would give them a lesser amount than what they</p>
<p>1 Q. Okay. But so you would have reviewed the</p> <p>2 historical orders for bubble gum if that were to</p> <p>3 pop up on one of these reports?</p> <p>4 A. Yes, we would.</p> <p>5 Q. And you would have looked into whether or</p> <p>6 not the bubble gum order that came in on this</p> <p>7 particular order that flagged on the report was</p> <p>8 consistent with what that store had typically been</p> <p>9 getting?</p> <p>10 A. That's true.</p> <p>11 Q. And if it wasn't consistent, in that</p> <p>12 situation you would make a phone call to the</p> <p>13 store?</p> <p>14 A. That's right.</p> <p>15 Q. And you would ask the store, you know,</p> <p>16 you usually only get 10 units of bubble gum, but</p> <p>17 here you asked for 1,000 units of bubble gum; did</p> <p>18 you really want 1,000 units?</p> <p>19 A. That's what we would do.</p> <p>20 Q. Okay. And they would tell you, no, we</p> <p>21 just want our normal 10 units of bubble gum, and</p> <p>22 in that case you would do what?</p> <p>23 A. We would decrease the order to the 10</p> <p>24 units that they asked for, for non-pharmacy.</p> <p>25 Q. You took your direction from the store on</p>	<p>1 were requesting.</p> <p>2 Q. But the reason for that would be the</p> <p>3 amount of inventory that you have in the</p> <p>4 distribution center?</p> <p>5 A. That's correct.</p> <p>6 Q. Do you ever recall having one of these</p> <p>7 fat finger reports flagged for a controlled</p> <p>8 substance and then you reporting that to the DEA?</p> <p>9 MS. SWIFT: Object to the form of the</p> <p>10 question.</p> <p>11 A. I never had any contact with the DEA.</p> <p>12 Q. Okay. Would it even have occurred to you</p> <p>13 if there had been an order that had come in for</p> <p>14 1,000 bottles of a C-III drug for a store that</p> <p>15 usually got 10 bottles, would it even have</p> <p>16 occurred to you to contact the DEA?</p> <p>17 MS. SWIFT: Object to the form. Assumes</p> <p>18 facts not in evidence.</p> <p>19 A. I don't know what I would have done.</p> <p>20 Q. Okay. Well, your normal process would</p> <p>21 have been to call the store, right?</p> <p>22 A. Yes.</p> <p>23 Q. And ask the store did you really want</p> <p>24 these 1,000 bottles of the C-III, correct?</p> <p>25 MS. SWIFT: Object to form. Calls for</p>

<p>1 speculation.</p> <p>2 A. Yes. I would have called the store to</p> <p>3 see if it was a legitimate order.</p> <p>4 Q. Okay. And if they told you that was a</p> <p>5 fat finger error, we really only want our 10</p> <p>6 bottles, you would have lowered it to 10 and sent</p> <p>7 them the 10, correct?</p> <p>8 A. Correct.</p> <p>9 MS. SWIFT: Objection. Calls for</p> <p>10 speculation.</p> <p>11 Q. If -- in a similar situation, if you had</p> <p>12 a store and an order for 100 bottles of</p> <p>13 controlled -- a Schedule III controlled drug, and</p> <p>14 it flagged on your report, and you looked, and the</p> <p>15 store typically got 10 bottles, and you called the</p> <p>16 store and said did you really want these 100</p> <p>17 bottles or was that an error, and they told you,</p> <p>18 no, we really want the 100 bottles; if you had</p> <p>19 sufficient inventory within the store, was there</p> <p>20 anything that would have prevented you from</p> <p>21 sending that order?</p> <p>22 MS. SWIFT: Objection. Calls for</p> <p>23 speculation. Hypothetical.</p> <p>24 A. Well, we can't see the inventory at the</p> <p>25 store. Did you mean the DC?</p>	<p>1 A. Okay. I got you. I see.</p> <p>2 Q. All right. I'm looking at the last --</p> <p>3 A. Okay. Sorry.</p> <p>4 Q. It says, "if the order is incorrect, the</p> <p>5 original order for the item is deleted and rekeyed</p> <p>6 correctly." Do you see that?</p> <p>7 A. I see that it says that.</p> <p>8 Q. Okay. And you agree that that was the</p> <p>9 procedure?</p> <p>10 MS. SWIFT: Object to the form.</p> <p>11 A. That was Mt. Vernon's procedure,</p> <p>12 according to this document. But we did not delete</p> <p>13 and rekey an order. We either deleted the order,</p> <p>14 or we just decreased the existing order.</p> <p>15 Q. Okay. And the purpose for doing that was</p> <p>16 to correct any errors and make sure that the store</p> <p>17 got what they were really asking for?</p> <p>18 MS. SWIFT: Objection to form.</p> <p>19 A. That's correct.</p> <p>20 Q. And then it looks like the next step is</p> <p>21 once all orders have been reviewed for accuracy,</p> <p>22 computer personnel is notified to kick off order</p> <p>23 processing?</p> <p>24 A. That is correct.</p> <p>25 Q. So once it's been verified that the --</p>
<p>1 Q. I'm sorry. That's exactly what I meant.</p> <p>2 A. Okay.</p> <p>3 MS. SWIFT: Same objections.</p> <p>4 A. I still -- I don't know what I would have</p> <p>5 done at the time. It did not happen that I can</p> <p>6 recall, so I'm not sure what my follow-up would</p> <p>7 have been.</p> <p>8 Q. But there was no policy or procedure that</p> <p>9 was in place to tell you to do anything other than</p> <p>10 fill the order if you verified with the store that</p> <p>11 the order was accurate?</p> <p>12 MS. SWIFT: Objection. Calls for</p> <p>13 speculation.</p> <p>14 Q. Is that correct?</p> <p>15 A. Since it didn't happen that I can recall,</p> <p>16 I don't know if there was a policy or procedure in</p> <p>17 place.</p> <p>18 Q. Okay. So if you read the last sentence</p> <p>19 of paragraph 2 under 3-A, it says "if the order</p> <p>20 is." Do you see where I am?</p> <p>21 A. Paragraph 2, under -- where are you at?</p> <p>22 Q. Under "procedure."</p> <p>23 A. 3-A -- so the C2 SAIL personnel working</p> <p>24 query? Is that where you are?</p> <p>25 Q. Correct.</p>	<p>139</p> <p style="text-align: center;"><b>REDACTED</b></p>

**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**

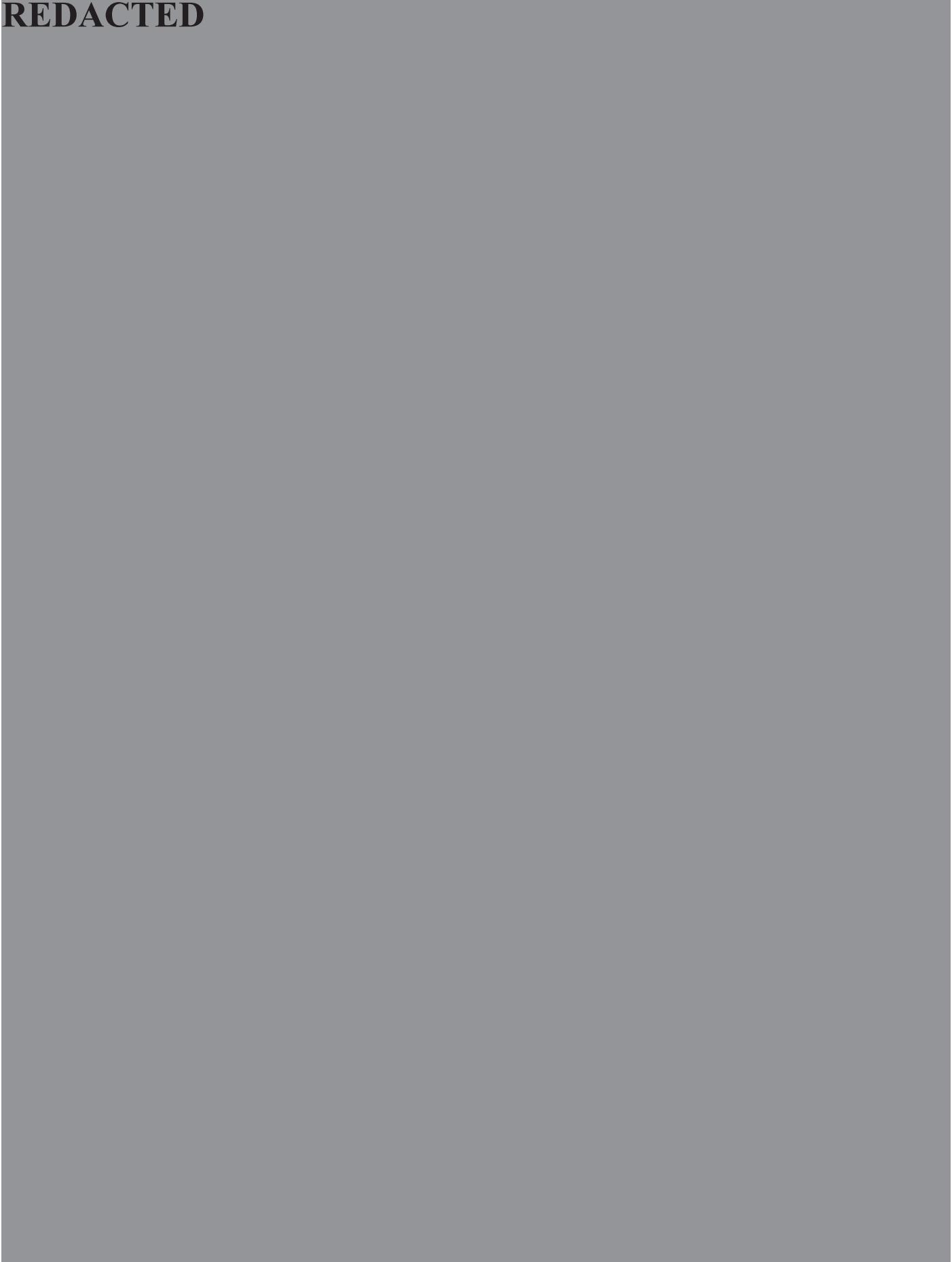


**REDACTED**

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**REDACTED**

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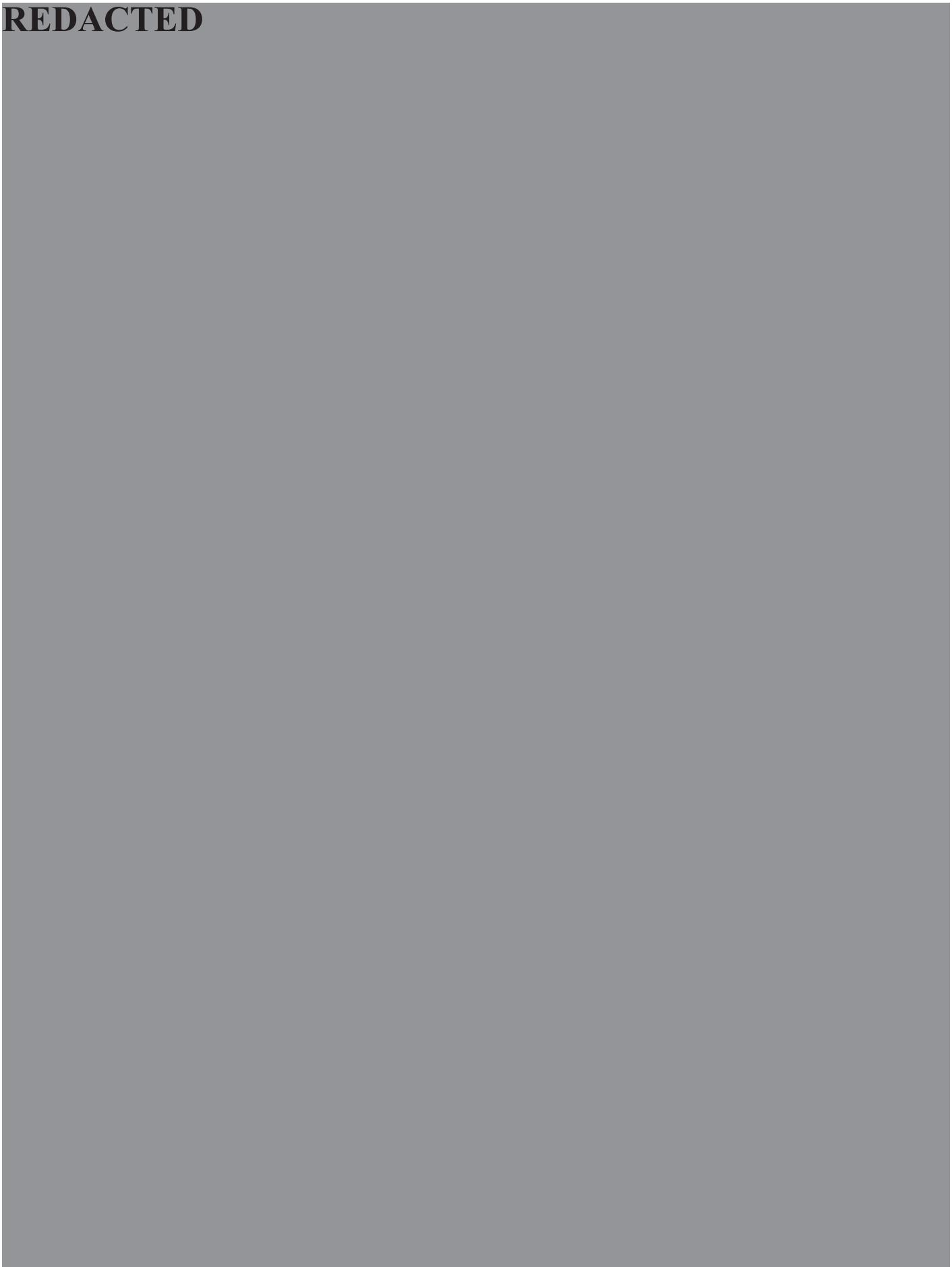
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**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**

**REDACTED**



**REDACTED**



<p>Page 282</p> <p>1 A. Yes, I do.</p> <p>2 Q. I'm presuming that that would be you. Do</p> <p>3 you know what's being referred to there?</p> <p>4 A. I believe that that is referring to the</p> <p>5 sheet that the loaders signed off when they loaded</p> <p>6 a controlled tote or case onto their truck. They</p> <p>7 would keep it, they would sign off on it, and file</p> <p>8 it.</p> <p>9 Q. And what type of information would be on</p> <p>10 that form?</p> <p>11 A. It would have the date, the store number</p> <p>12 that the item belonged to, the unique scan ID that</p> <p>13 was assigned to that tote so that it could be</p> <p>14 tracked, and then the loader -- the trailer</p> <p>15 number, route number, and then the loader's</p> <p>16 signature on it.</p> <p>17 Q. When you were the SAIL coordinator, did</p> <p>18 you have physical access to the C-III through C-V</p> <p>19 drugs?</p> <p>20 A. I did not.</p> <p>21 Q. If you look at the next page, at the item</p> <p>22 number 21, it lists it looks like eight different</p> <p>23 items there of records. Do you see that?</p> <p>24 A. I do see that.</p> <p>25 Q. And do you see number 7 says "monthly</p>	<p>Page 284</p> <p>1 And the first two pages of this looks</p> <p>2 pretty much the same. Do you recognize this to be</p> <p>3 your document in your handwriting?</p> <p>4 A. No. That's -- I think that's Tammy's</p> <p>5 handwriting again, too, but there's very little on</p> <p>6 there.</p> <p>7 Q. Okay.</p> <p>8 A. That's her handwriting on the second</p> <p>9 page.</p> <p>10 Q. Okay. And if you flip to the third page,</p> <p>11 same thing, again, it appears to be Tammy's</p> <p>12 handwriting?</p> <p>13 A. Yes. That's Tammy's handwriting.</p> <p>14 Q. If you go to the last page of the</p> <p>15 document, it says, "daily agenda Perrysburg</p> <p>16 distribution center DEA review." Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Would you have been involved in this</p> <p>19 process?</p> <p>20 MS. SWIFT: Object to the form.</p> <p>21 A. No.</p> <p>22 Q. And under Monday, in the box with item 2,</p> <p>23 it has the name Scott Brown. Do you know who that</p> <p>24 is?</p> <p>25 A. I do. He's no longer with Walgreens.</p>
<p>Page 283</p> <p>1 suspicious controlled drug order report"? Do you</p> <p>2 see that?</p> <p>3 A. I see that on there.</p> <p>4 Q. And, again, we looked at some of those</p> <p>5 this morning. You're not familiar with those,</p> <p>6 correct?</p> <p>7 A. I am not familiar with those.</p> <p>8 Q. And in the column to the right where it</p> <p>9 says who's responsible, it's indicating that would</p> <p>10 be Tammy?</p> <p>11 A. That's correct.</p> <p>12 Q. I'm going to show you what I'll mark as</p> <p>13 Exhibit Number 30. It starts out at Bates number</p> <p>14 757188.</p> <p>15 - - - -</p> <p>16 (Thereupon, Deposition Exhibit</p> <p>17 Walgreens-Diebert 30, Perrysburg</p> <p>18 Distribution Center DEA Review</p> <p>19 WAGMDL00757188 - 00757192, was</p> <p>20 marked for purposes of</p> <p>21 identification.)</p> <p>22 - - - -</p> <p>23 Q. And, again, this is one I just got last</p> <p>24 night, so I think you'll have a color copy that</p> <p>25 will pop up on the screen there.</p>	<p>Page 285</p> <p>1 Q. What was his role when he was there?</p> <p>2 A. He was the shipping function manager.</p> <p>3 Q. What does the shipping function manager</p> <p>4 do?</p> <p>5 A. They would make sure they had loaders</p> <p>6 assigned to the doors that were being loaded into,</p> <p>7 that all the product was getting put on the</p> <p>8 trailers.</p> <p>9 Q. In the Wednesday box, do you see an item</p> <p>10 number 2, it says "afternoon"?</p> <p>11 A. I do.</p> <p>12 Q. And it says "interviews," and it says</p> <p>13 "ARCOS Rx manager and SAIL." Do you see that?</p> <p>14 A. I do see that.</p> <p>15 Q. And at this time you would have been the</p> <p>16 SAIL, correct?</p> <p>17 MS. SWIFT: Object to the form.</p> <p>18 A. Yes. I was the SAIL coordinator in 2012.</p> <p>19 Q. Do you recall participating in interviews</p> <p>20 with the DEA during this time period?</p> <p>21 A. No, I do not.</p> <p>22 MS. SWIFT: Object to the form.</p> <p>23 Q. Do you know that you didn't, or do you</p> <p>24 just not remember?</p> <p>25 A. I don't recall ever talking to a DEA</p>

**REDACTED**

1 agent.

2 Q. Do you ever recall DEA being at  
3 Perrysburg and at the distribution center in any  
4 form or fashion?

5 MS. SWIFT: Objection. Asked and  
6 answered.

7 A. I don't recall when the DEA was there. I  
8 know that they were there, but I couldn't tell you  
9 dates, or what they were there for.

10 Q. Sure. So -- sorry, that was a bad  
11 question. So we looked at documents earlier that  
12 talked about exactly when they came in to inspect,  
13 correct?

14 A. Yes.

15 Q. Okay. What I meant to ask you is if  
16 you've ever -- whether that time or any other time  
17 while you've been at Perrysburg, have you ever  
18 seen DEA agents within the facility?

19 A. I have not seen any DEA agents in the DC.

20 Q. I had asked you earlier about whether or  
21 not you had ever been asked to purge or destroy  
22 any older documents. Do you know -- if I was --  
23 if I was wanting to know who did that at the  
24 Perrysburg distribution center, who would you  
25 suggest I talk to?

1 MS. SWIFT: Object to the form. Vague.

2 A. I'm not sure. I may even be able to find  
3 that information out. I would have to look once I  
4 got back to work. Tammy may also know that, but  
5 our HR department may also know, too. I really am  
6 not sure.

7 - - - - -

8 (Thereupon, Deposition Exhibit  
9 Walgreens-Diebert 31, August 13,  
10 2012 E-Mail WAGMDL00757172 -  
11 007571187, was marked for purposes  
12 of identification.)

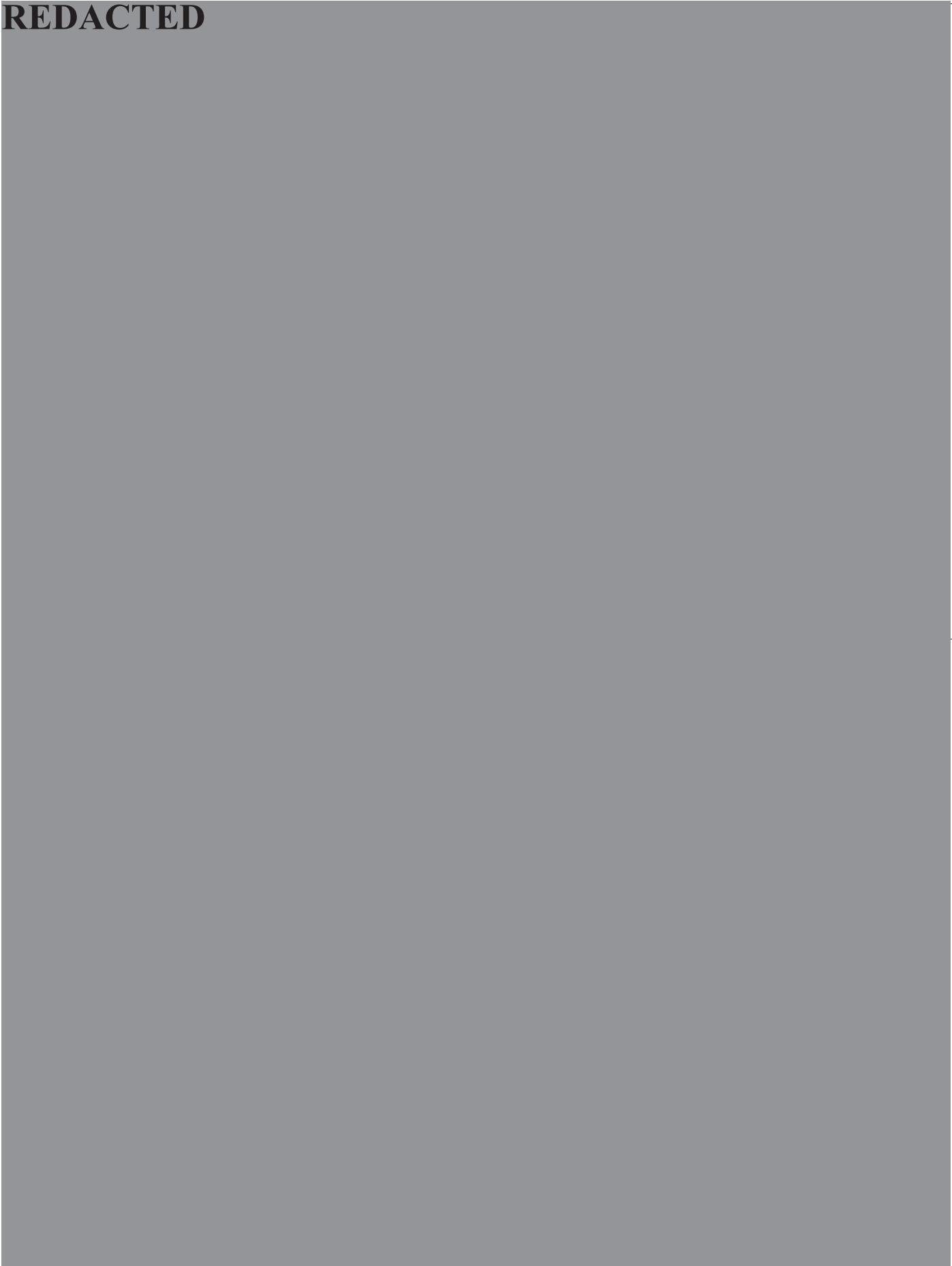
13 - - - - -

14 Q. I'll show you what I'll mark as Exhibit  
15 Number 31. This is -- it begins with Bates  
16 757172.

17 And, again, this is a document I just got  
18 yesterday, so I think you might have a color copy  
19 on the screen, but I just have a black and white  
20 that I was able to print out downstairs.

**REDACTED**

**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**

**REDACTED**



**REDACTED**

**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**

**REDACTED**



**REDACTED**

**REDACTED**



**REDACTED**

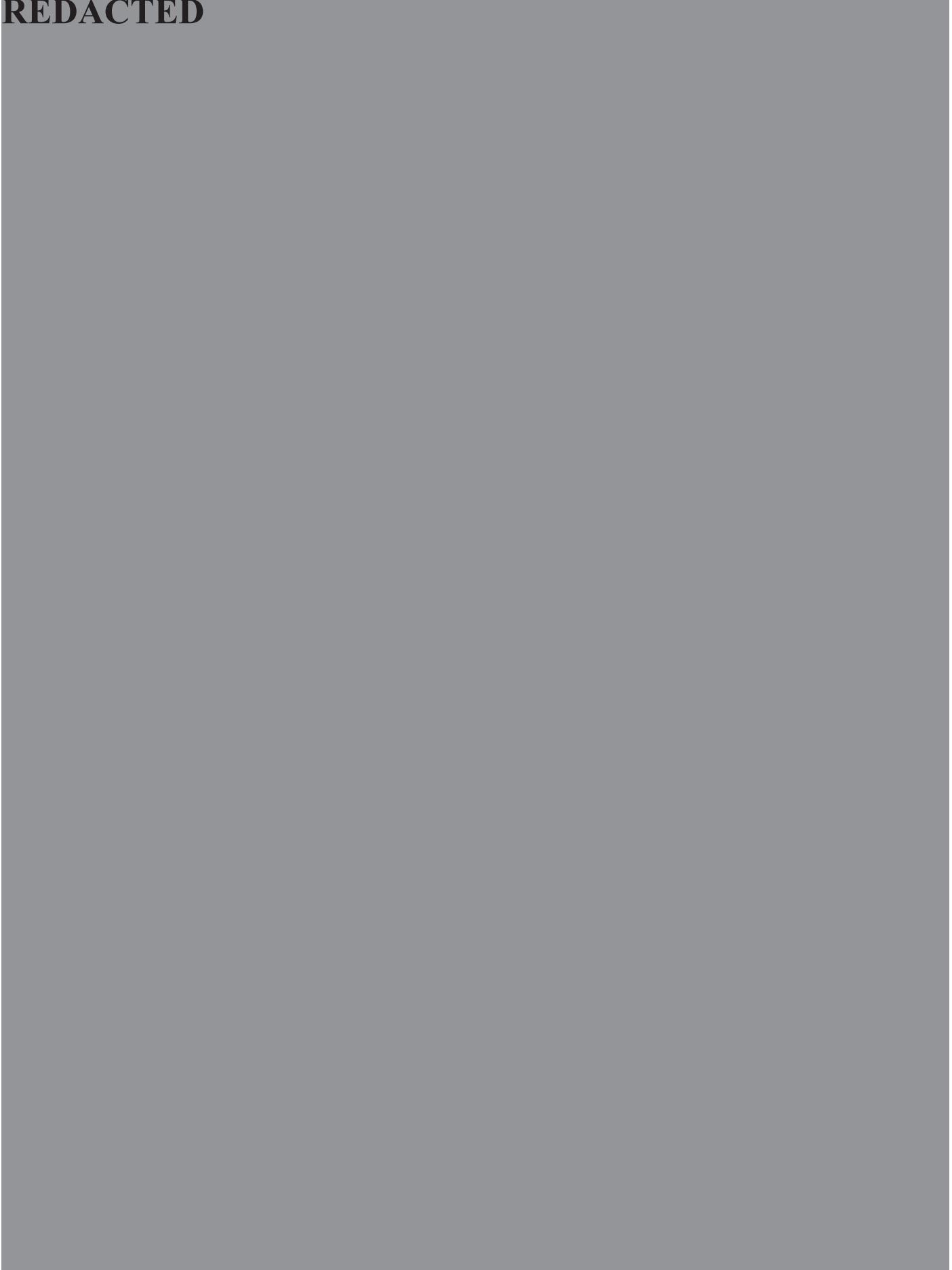


**REDACTED**



**REDACTED**

**REDACTED**



**REDACTED**

